

TO PLAY THE GAME, BRING A TEAM

Part 1 - "Right to Farm" - What It Is

Montana has long recognized a commitment to agriculture. Our 1973 Constitution, Article XII, Section 1, provides the Legislature shall "provide for a Department of Agriculture and enact laws and provide appropriations to protect, enhance, and develop agriculture".

These legislative actions include creation of a Department of Agriculture and a Department of Livestock at Title 80 and Title 81 of the Montana Code.

The legislature also acknowledged at Montana Code 76-2-901 that Agricultural Lands and the ability and right of farmers and ranchers to produce has been the basis of all sectors of Montana's economy. The legislature also acknowledged at MCA 76-2-901(1) that "Farmers and ranchers must be encouraged and have the right to stay in farming". The legislature also provided that local and county government way not prohibit agricultural activity or force their termination, see MCA 76-2-905.

The legislature also provided that no agricultural or farming operation or appurtenance thereof is or becomes a nuisance because of its normal operation, if changed residential or commercial conditions make it so. See Montana Code 27-30-101(3).

In accordance with these policies and prohibitions, local government can protect, enhance, encourage and develop agriculture with a "Right to Farm Ordinance". Such an ordinance by a county can include a commitment to conserving, enhancing, and encouraging agriculture, a commitment to education about agriculture, a commitment to integrated planning efforts regarding agriculture and related activities, and a commitment to facilitate agricultural opportunities, and the related benefits to the community.

A copy of such an ordinance looks like this, and is achievable with participation by and support from local agricultural producers.

100